

ORIGINAL

*7/10/04*  
**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG**

**FILED  
HARRISBURG, PA**

NOV 15 2004

FREDERICK JACKSON,  
Petitioner,

*APDA*  
Deputy Clerk

-v-

Criminal Docket Case# 1:00-CR-00234-YK-ALL

UNITED STATES OF AMERICA,  
Respondent,

.....  
**MOTION TO COMPEL**

NOW INTO COURT, Comes Frederick Jackson, the petitioner, appearing through Pro-Se representation and respectfully moves this Honorable Court to compel the United States Government to properly respond to Mr. Jackson pending motions in this Honorable Court.

This is a Pro-Se motion and such is to be held to less stringent standards than those drafted by an attorney. HAINES V. KERNER, 30 L. Ed. 2d. 652 (1972): The allegations in a Pro-Se motion must be taken as true and construe in favor of the defendant. CRUZ V. BETO, 31 L. Ed. 2d. 263 (1972).

In Support Thereof, The Petitioner States As Follows:

FACTUAL ALLEGATIONS AND PRIOR PROCEEDINGS

On March 29, 2004, Mr. Jackson's motion Pursuant to 28 U.S.C. § 2255 was filed in this Honorable Court. On April 26, 2004, Mr. Jackson filed his Memorandum Brief In Support Of His Motion Pursuant To 28 U.S.C. § 2255, thus amending his initial Motion. On April 30, 2004, this Honorable Court granted Jackson's motion to amend and ordered the Honorable Clerk Of Courts to docket the amended § 2255 motion and to attach Jackson's brief in support of his motion to amend appropriately.

On July 15, 2004, Mr. Jackson filed another motion to amend his § 2255 motion and a brief in support of the motion. The Amended motion revolved around the recent Supreme Court Ruling in BLAKELY. On August 31, 2003, Mr. Jackson filed his proposed amended petition. This Motion To Compel follows.

ISSUE

Mr. Jackson's initial 2255 motion was filed on March 29, 2004, since then the United States Government has yet to answer any of Mr. Jackson's allegations made on his Motion Pursuant to 28 U.S.C. 2255. Pursuant to the Rules Governing 2255 Proceedings, specifically Rule 4(b), Mr. Jackson respectfully moves this Honorable Court to issue an order to the United States Government to respond to Mr. Jackson's allegations on his motions pending in this Honorable Court otherwise the Doctrine Of Waiver will apply and the Government will forfeit there opportunity to challenge any of Mr. Jacksons allegations in the future.

WHEREFORE, Mr. Jackson Prays that this Honorable Court grant him the relief requested and any other relief this Honorable Court may deem proper.

Respectfully Submitted

Frederick Jackson

Frederick Jackson Pro-Se  
REG# 53891-004  
Loretto Federal Prison Camp  
P.O. Box 1000  
Loretto, Pennsylvania 15940

Executed On This 6 th Day Of Nov. 2004.

CERTIFICATE OF SERVICE

I, Frederick Jackson, hereby certify under the penalty of perjury that on the last date given below, I deposited a true and correct copy of my MOTION TO COMPEL, in the Loretto Federal Prison Camp's Legal Mail System with First Class postage to insure its proper delivery to:

Mr. Eric Pfisterer  
U.S. Attorney's Office  
U.S. District Court  
Middle District Of Pennsylvania  
Harrisburg, Pennsylvania 17108-0805

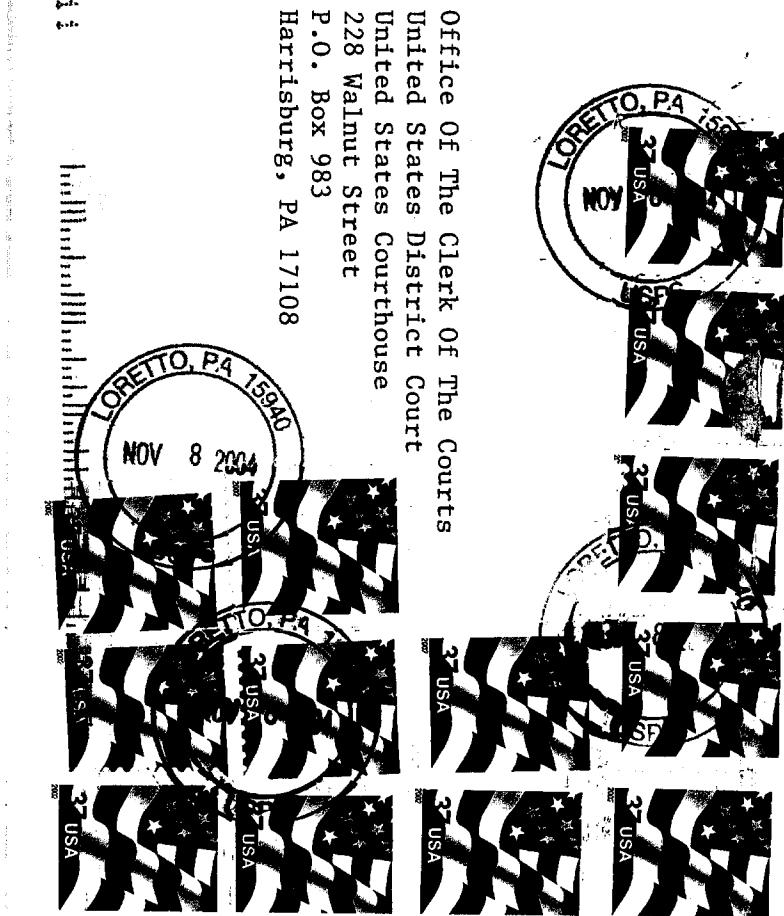
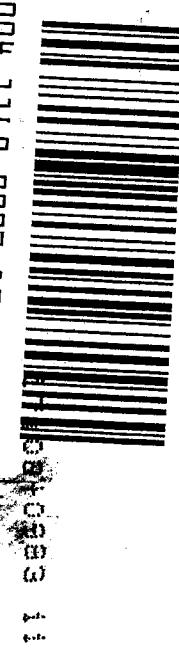
Executed On This 6 th Day Of Nov. 2004.

Frederick Jackson  
Frederick Jackson

Mr. Frederick Jackson  
Reg#53891-004  
Federal Prison Camp  
P.O. Box 1000  
Loretto, Pennsylvania 15940

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL**™



Office Of The Clerk Of The Courts  
United States District Court  
United States Courthouse  
228 Walnut Street  
P.O. Box 983  
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